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MR. PODSNAP AND THE SACRED TRUST.

Copies of this Pamphlet can be obtained gratis upon application to THE SECRETARY, Anti-Slavery and Aborigines Protection Society, Denison House, 296, Vauxhall Bridge Road, S.W. 1.

MR. PODSNAP AND THE SACRED TRUST

TWO main controversies, with one subordinate issue, are interwoven in the recent White Paper on Native Land Rights in Southern Rhodesia.* The Privy Council, illustrating the maxim *Summum jus summa injuria*, declares that "whoever owns" the lands not yet sold to white settlers, "the natives do not." English law, thus applied in a region which is not British (for Rhodesia has not been annexed), and the natives of which are not British subjects, and can, therefore, have no franchise in their own country, is declared, beyond appeal, to override the very different, but quite definite and suitable system of native land rights which prevailed before Europeans invaded the country. No native of Southern Rhodesia can now be deemed to have any legal right of any kind in a single square foot of the lands where his tribe and his forefathers have lived for generations, have built their kraals, cultivated hundreds of thousands of acres, pastured their cattle, and buried their dead.

The judgment further declares

> that the ownership of the unalienated land in Southern Rhodesia is not vested in and has never been acquired by the B.S.A. Co., . . . and that such powers of taking possession of, dealing with or disposing of land in Southern Rhodesia as have been possessed by the Company have been created by virtue of authority conferred . . . upon the Company as the governing body charged *for the time being* . . . with the general administration of affairs within the said territory and responsible for . . . *good government* therein.—[The italics are ours.—ED., N.S.]

The Company, heretofore, wrongfully interpreting its position and powers, had levied rents on the natives found on the lands which the latter had ventured to presume were (tribally) theirs, and had carried these rents to the credit of its commercial accounts. When it sold lands to white settlers

* Correspondence with the Anti-Slavery and Aborigines Protection Society, relating to the Native Reserves in Southern Rhodesia. [Cmd. 547.] (6d. net.)

it sold the rent-paying native "souls" with the lands. The Privy Council rules that "The Company's alienations by grant are unquestionably valid." When, therefore, a settler buys land, the first thing he asks is how many natives there are upon it to pay him rent; and the interest in these exactions at any rate has passed irrecoverably into private hands.

The natives have no tenant right, and may be removed at will by the purchasers or forced to pay heavy fines (*e.g.*, as has been stated by the Rev. Shearly Cripps, £300 on a single kraal) for permission to remain in their own homes. Outside of the "unalienated" lands, and the lands "alienated" to settlers, on which many thousands of natives reside and pay these rents, certain areas (not yet delimited) are reserved, in accordance with Orders in Council, for occupation by natives only, and—though there seems little logical justification for the distinction—the natives on these Reserves do not pay rents for living in their own country.

The Aborigines Protection Society presented the salient aspects of this situation to Mr. Long, and submitted that

> the general question of title having by the judgment been disposed of, the duty and responsibility of defining Imperial obligations towards the native races of Southern Rhodesia is now clearly thrown upon the Crown,

and they urged that

> A Delimitation Committee, including a representative from the Native Affairs Department, should be appointed for (1) Final delimitation of reserves . . . subject to the proviso that no native tribe which can show that it has been in beneficial occupation of its lands for a period of twenty years be removed against the wish of the people themselves. (2) The granting of secure occupancy titles to natives on unalienated land outside the reserves where they can show beneficial occupancy for twenty years: *and* that the natives on the unalienated land outside the reserves may be relieved from the obligation of paying both a direct administrative head tax and a rent for land and placed on the same footing as the natives in the Reserves, who pay a head tax only.

This submission is the theme of the first controversy.

The second controversy we shall deal with presently.

The third, and a subordinate, issue was an appeal for the payment of the costs of the natives' case before the Privy Council, a quite reasonable request, which the Colonial Office bluntly refused, apparently having no words for the

officiousness of the Society in having worked up the case and briefed Mr. Leslie Scott for the natives, and certainly showing a distinguished lack of gumption and foresight in what was at that stage so simple a point to score by a gracious concession.

The main appeal was rebuffed, almost as curtly. Mr. Long was evidently quite at ease about the fate of the natives. Rhodesia not being territory taken from Germany, the Paris declaration that natives' interests are a sacred trust of civilisation plainly did not here apply. The Charter had been granted long before Mr. Balfour had laid it down that Imperialism did not sanction exploitation. The B.S.A. Co., therefore, in appropriating the cattle (setting a precedent for the German dealings with the Hereros) and in exacting rent for the lands of the Mashonas and Matabele, had done no wrong to be redressed by the British Government when their title was voided and the proprietorship of the Crown established. Nothing in this connection, the Colonial Office maintains, has been changed by the judgment. The rights, or rather the destitution of rights, of the natives had been prescribed once for all by Order in Council (drawn up when the questions involved bore a very different aspect). The Company are still the agents and attorneys of the Government, with full powers, except as limited by such Orders, to deal with lands and native occupation of lands. All that has occurred is that the Crown has proved its interest in the money proceeds—which Lord Cave's Committee is charged to assess. There that part of the matter still stands.

But the discussion was presently widened by the Society's support of an urgent appeal from the Rev. S. Cripps that the boundaries of the Reserves should not be altered as recommended by the Reserves Commission of 1917, so as to involve the proposed eviction of at least 35,000 natives in one Reserve alone from their present locations.

The Commission recommended the cutting down of the existing Reserves by six million acres, and substituting elsewhere five million acres without any consideration for native settlements—a recommendation described by the late Sir Starr Jameson as " satisfactory to the shareholders " of the B.S.A. Co. The Society had not laboured this aspect of the case, as it would have been safeguarded by what

they had asked, and also because they had deemed it inconceivable that the Report in this respect should be fully acted upon.

The Colonial Office indiscreetly questioned the grounds for this assumption, and found themselves involved in the second part of the controversy, on terrain rather uncomfortable for the Department in view of the various episodes of now ancient history in which it had been hoodwinked and triumphantly led by the nose by the astute "Dr. Jim." But the departmental draftsman could not deny himself a gesture with the official cliché:

> LORD MILNER IS NOT AWARE of any circumstances connected with the constitution and procedure of the Reserves Commission which should give rise to the belief that its recommendations should not be adopted.

This was perilously like a prevarication, for Lord Milner's predecessors in office had been fully informed of the reasons which had given rise to protest; and it was that worse official thing, a blunder in controversy. When, therefore, the Society replied with a few plain facts, notorious in South Africa, and well known to the Department and to anyone conversant with Rhodesian affairs, the Office, instead of admitting and "avoiding" them, assumed a Podsnappian posture, waved the facts firmly aside, and confined its reply to an indignant inquiry why the Society had injuriously described the Company's Surveyor of Lands as its Land Agent. Further developments of this controversy appear to us to furnish a very deplorable exhibition of method and attitude in official correspondence, unworthy of the dignity and obligations of a high Department of State.

What sense—to say nothing of honesty—is there in attempting to put the Society in the wrong by such pretences as that their Chairman, Lord H. Cavendish Bentinck, had

> recently drawn attention in the House of Commons to the fact that the Chairman of the Reserves Commission took part in the Matabele War of 1893, in terms which appear to suggest that his bearing arms in that emergency, an emergency in which Imperial Forces were also employed, *unfitted him for subsequent service under the Crown*? . . .

Such childish debating tricks, intended to create the appearance of scoring a point, merely force the Society to repeat what had actually been said, and to elaborate the

particulars of their allusions to the predatory and underhand manœuvres of Rhodes and Jameson in 1893. "Imperial Forces"! How many readers would know that this means only the Bechuanaland Border Police? "Emergency"! How many would know, at this date, that the "emergency" was an aggressive invasion carefully and deliberately planned and prepared to "smash the Matabele," that it was launched at a chosen time on a false pretext put up to Sir H. B. Loch by Dr. Jameson, that it was sprung on Lobengula just after he had been assured by Sir H. Loch that he should not be attacked, and at a moment when he was indignantly claiming to be heard in rebuttal of the lying pretext, and that his Indunas, despatched in urgency to put his case to the High Commissioner, were seized and detained, and, when they attempted to escape, shot down by their captors? What sense is there in extenuating the proposed clearances by printing a letter procured by the B.S.A. Co. from Mr. Keigwin, a native Commissioner, to explain that the real reasons why the natives desire to remain in their homes are a "constitutional objection to effort" and the "large labour" involved in moving their kraals — and that they can sell beer, and their women their company, to the hired labourers brought in by white settlers? We did not raze Carlisle to the ground when Gretna was built; we passed laws to control indulgence in liquor and in what the chaste Muse of Parliamentary draftsmanship defines as "indecent action." What impressiveness is there in Mr. Keigwin's theorem that granite is the suitable soil for natives when on a neighbouring page the Company's own Land Surveyor admits the assumption that it is not? What sense—except perhaps a sense of the ignorance and indifference of Parliament in respect to all such matters—is there in reprinting, as a conclusion to the correspondence, a recital of Mr. Gladstone's apology, made in November, 1893, for the first Matabele War? That explanation was at the time only partial, and discreetly economised; but the Colonial Office know now, as they admittedly did not know then, that it was, and is, essentially untrue; and it is a flippant imposture on the House of Commons and the public to attempt to palm if off now as a conclusive account of the matter.

But all this secondary controversy might very well be left out of account. The Society's first letter was admirably

inspired, wholly unaggressive and most temperate in its wording. It went straight to the heart of the case as the nation is now concerned with it. We allowed the B.S.A. Co. to take away these people's land, to appropriate their cattle, to exact private tribute from them, and to evict them at pleasure. The Privy Council has declared that the pretext of right on which the Company did these things is null, and that the lands are the property of the Crown. Officials and lawyers can spin technicalities to prove that nothing has changed. We hold that the British Government neglected its responsibilities here in the past. The Privy Council has made those responsibilities publicly known; it has reminded us of them; and we cannot afford to allow Colonial Office Podsnappery to wave them aside any longer.

Every man and woman who cares for the welfare of Native Races should join the

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